



February 8, 2024

**VIA ECF**

Honorable Michael A. Shipp, US District Judge  
US District Court of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street, Court Room 5W  
Trenton, NJ 08608

**RE: Talc MDL Deadline for Amended Complaint**  
***In re: Johnson & Johnson Talcum Powder***  
***Products, Marketing, Sales Practices, and***  
***Products Liability Litigation***  
**Case No.: 3:16-md-02738-MAS-RLS**

Dear Judge Shipp:

Our firm represents approximately 180 deceased plaintiffs in the above-referenced litigation. We write with reference to your Orders in the Talc MDL dated September 1, 2023 and October 10, 2023 regarding amendments to complaints for deceased plaintiffs.

On September 1, 2023, the Court issued Case Management Order 9 which directed counsel for plaintiffs to file a motion to substitute a proper party in cases where the plaintiffs are now deceased by February 28, 2024 (180 days from the issuance of CMO 9). On October 10, 2023, the Court issued the Order Governing Amendments, which we interpret to supersede CMO 9 in granting plaintiffs the right to amend complaints and substitute deceased plaintiffs without permission of the Court and without a specific deadline by which to do so.

We have sought guidance from the Plaintiffs' Leadership Committee as to whether our interpretation of these two orders is correct but have received conflicting opinions as to whether the Court's October 10th Order provides plaintiffs with leave to substitute deceased plaintiffs beyond the February 28th deadline. Nobody seems able to give us a definitive answer. This troubles me, and I'd imagine it also troubles many other attorneys around the country representing plaintiffs. Further, if February 28th is in fact the deadline, it is unclear what deadlines apply if more women die moving forward.

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I've been admitted to the bar since 1977 and my first foray into mass torts was in the 1980s when I represented hundreds of DES daughters. I've represented plaintiffs in litigations such as Avandia, Vioxx, Chantix, etc. I was selected by the Plaintiffs' Leadership Committee in Avandia to try one of the first cases in the Eastern District of Pennsylvania.

I am most concerned that this litigation is now a decade old and every week, women are dying from ovarian cancer as a result of their use of talcum powder. It is important to note that while the defendants have gone to the bankruptcy court multiple times to change the course of the litigation, the women who die are losing their voice with reference to their cases.

I worry that I cannot have 180 complaints amended by February 28, 2024 if that is in fact what the Court's Orders mandate. We have plaintiffs who reside in 42 different states and therefore we would need to engage many different estate attorneys throughout the country in order to have proper representatives appointed—which is extremely costly and time-consuming. The number of women who are dying continues to grow.

We are therefore seeking guidance from the Court. If in fact we learn after clarification from the Court that we are required to amend our complaints by February 28, 2024, we respectfully ask the Court to extend our time to submit these amendments by a minimum of four months.

Thank you for your consideration.

Respectfully Submitted,

**MORELLI LAW FIRM PLLC**

A handwritten signature in black ink, appearing to read 'B. Morelli', is written over a light blue rectangular background.

**Benedict P. Morelli**

